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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,932	09/05/2003	Mokhtar S. Maklad	1010.8382UU	8378
38846	7590	09/14/2005	EXAMINER	
CARLSON, CASPERS, VANDENBURGH & LINDQUIST 225 SO. 6TH STREET SUITE 3200 MPIS, MN 55402			ULLAH, AKM E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,932

Applicant(s)

MAKLAD ET AL.

Examiner

Akm Enayet Ullah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Status of the Application

Claims 1- 26 are pending in this application.

This application claims benefit of the US provisional patent applications of 60/408,745 filed on September 06, 2002.

If applicant is aware of any prior art or any other co- pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.56 to disclose the same.

If applicant provides prior art, he/she is requested to cite it on form PTO-1449 in accordance with the guideline set forth in MPEP 609.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14- 19 and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Carpenter et al (USP NO. 6,857,293 B2).

Carpenter et al disclose an apparatus and a method for exposing a selected portion of an optical fiber to a hydrogen atmosphere loading process. The apparatus includes a loading chamber that encloses at least the selected portion of the optical fiber and contains a hydrogen gaseous atmosphere.

The chamber includes a heating element that locally heats the hydrogen atmosphere surrounding the selected portion.

Furthermore, a cooling device may regulate the temperature of the cooling region, which would allow the fiber to be moved from the loading chamber to the cooling region.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner

presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2,13 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter et al (USP. NO. 6,857,293 B2).

Carpenter et al disclose an apparatus and a method for exposing a selected portion of an optical fiber to a hydrogen atmosphere loading process. The apparatus includes a loading chamber that encloses at least the selected portion of the optical fiber and contains a hydrogen gaseous atmosphere.

The chamber includes a heating element that locally heats the hydrogen atmosphere surrounding the selected portion.

Furthermore, a cooling device may regulate the temperature of the cooling region, which would allow the fiber to be moved from the loading chamber to the cooling region.

Carpenter et al differ from the claimed invention because he does not explicitly disclose the plug is formed of a compressible material that is formed by applying pressure from the first end cap to increase a resistance to the flow of gas out of the first optical port.

Carpenter et al is the evidence that ordinary skill in the art would find a reason; suggestion or motivation to have such plug is formed of a compressible material, which is formed by applying pressure from the first end cap to

increase a resistance to the flow of gas out of the first optical port.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus in Carpenter et al since, it is mentioned that a variety of mechanism may be implemented to effect this movement. For details see column 8, last paragraph.

It is also believed to be inherent that Carpenter et al disclose this type of plug comprises a compressible material. However, even if applicant contends that this not necessarily inherent, it would nevertheless have been obvious to a person having ordinary skill in the art to have such plug formed of a compressible material which would formed by applying pressure from the first end cap to increase a resistance to the flow of gas out of the first optical port.

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Viswanathan et al.' 360 is also cited to show a typical device for selectively exposing a portion of at least one optical fiber to hydrogen.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiners can normally be reached on Monday through Wednesday from 5:30 am to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can

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be reached on Monday through Friday whose telephone number is 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Akm Enayet Ullah
Primary Examiner
Art Unit 2874

Aullah

September 12, 2005